



***Aboriginal news from across Turtle Island and beyond  
March 4-8, 2013***

## **Canada is failing aboriginal peoples who wind up behind bars, report says**

[Times Colonist](#)

March 7, 2013



*Correctional Investigator of Canada Howard Sapers hold a news conference to speak to the findings and recommendations of a Special Report tabled in Parliament entitled, "Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act," in Ottawa on Thursday March 7, 2013. THE CANADIAN PRESS/Sean Kilpatrick*

OTTAWA - Aboriginal offenders make up fully one quarter of Canada's federal prison population, and are being left behind bars far longer than their non-aboriginal counterparts, says a special report from the country's correctional investigator.

The report by Howard Sapers, tabled Thursday in the House of Commons, chastises the government not only for how it deals with aboriginals behind bars, but also for failing to keep them out of jail in the first place.

"If I were releasing a report card on aboriginal corrections today, it would be filled with failing grades," Sapers told a news conference.

Roughly one in four inmates in federal penitentiaries is aboriginal, yet aboriginal-specific provisions in the justice system are chronically underfunded, says the report.

It's a problem that's been largely ignored and allowed to worsen during the past two decades, ever since the Corrections and Conditional Release Act was first passed into law in 1992, said Sapers.

Sections 81 and 84 of the law allow the public safety minister to transfer aboriginal inmates to community facilities and to so-called healing lodges, but that power is not being properly used, the report concludes.

"When we consider outcomes 20 years after Section 81 and Section 84 became law, we find aboriginal offenders are still much more likely to serve more of their federal sentence behind bars and in more restricted conditions of confinement than their non-aboriginal counterparts."

The landmark report found that just four agreements have been reached between the federal government and aboriginal communities to allow for Section 81 transfer of inmates, with just 68 beds available in four healing lodges across the country. No such agreements exist in Ontario, British Columbia, Atlantic Canada and the North.

Healing lodges in aboriginal communities also receive only a fraction of the funding that's made available to similar facilities operated by Corrections Canada.

The BC Civil Liberties Association called the report proof that the corrections system is "racist."

"This is an appalling example of the discrimination against indigenous people in this country and it is tearing communities and families apart," said the association's director, Josh Paterson.

"While those who commit crimes should be dealt with appropriately by the justice system, these numbers make clear that the system over-polices and over-incarcerates indigenous people. This is racist and it is unacceptable."

The Conservative government needs to significantly increase funding to deal with aboriginal offenders, said Sapers.

"This is a bit of a 'pay me now (or) pay me later' argument," he explained. "Healing lodge beds are cheaper to run than minimum and medium security beds in a mainstream institution."

But under questioning in the House of Commons, Prime Minister Stephen Harper said people are in prison for a reason.

"It is important to note that prisoners are people who were found guilty of criminal acts by independent courts," Harper said in French.

"And it is essential for society to act."

The government has bolstered spending on anti-crime programs, including the Northern Aboriginal Crime Prevention Fund, added Justice Minister Rob Nicholson.

But more is needed than just throwing money at the justice system, said Sapers.

Underfunding of education in aboriginal communities and a failure to understand aboriginal people and their culture is leading to more aboriginals being put behind bars, he said.

The best strategy to reduce disproportionate incarceration rates among aboriginals is to spend more on education, said Assembly of First Nations National Chief Shawn Atleo.

"We need to work together to increase graduation rates from high school, post-secondary and training programs as the best remedies we have to keep our youth away from the justice system and out of prisons," Atleo said in a statement.

Aboriginal offenders also return to federal custody at a higher rate, are twice as likely to be involved with gangs than their non-aboriginal counterparts and less likely to be granted parole, the report found.

The report is a "shocking indictment of how the Harper government is failing aboriginal Canadians," said Randall Garrison, the NDP's public safety critic.

Garrison demanded the government devote more money to aboriginal programs, including those designed to reduce native incarceration rates.

Conservative government policies have exacerbated the problem, added Liberal aboriginal affairs critic Carolyn Bennett.

A key recommendation of the report is the appointment of a deputy commissioner for aboriginal corrections to ensure the government is held to account in reducing incarceration rates for Aboriginal Peoples.

The report follows one released last week that pointed to racism and systemic discrimination in Ontario's justice system.

And it mirrors one issued by the Canadian Human Rights Commission in 2003 that focused on aboriginal women in Canada's prison system, said acting chief commissioner David Langtry.

"Those findings, from a decade ago, are largely unchanged with respect to aboriginal women today," Langtry said.

"We are still seeing a disproportionate number of aboriginal women in solitary confinement, which creates barriers to access to rehabilitation programs."

© Copyright 2013

## **Unequal Justice: Aboriginals caught in the justice system trap**

[Toronto Star](#)

March 3, 2012

Patty Winsa and Jim Rankin

Aboriginal men and especially women are overrepresented in Ontario jails, often after minor crimes lead to deeper trouble. A number of programs including special courts are trying to help.



"It's the only time that we know of in the developed world where a country has been brought before a legal body that can make enforceable orders regarding its current treatment of First Nations children."

*Jill Buckshot, a former Miss Algonquin Nation, stole steaks from an Ottawa grocery store and sold them to support her addiction.*

As Jill Buckshot describes the addiction that helped put her in prison, her words sometimes slur together over the phone, so that she has to spell out "dope sick" and "Dilaudid."

"Dope sick" refers to the violent physical reaction that occurs when an addict goes a day without drugs. The second term is the narcotic she would steal for.

Buckshot, who became addicted at 25 after having surgery and taking a prescribed narcotic for the pain, would steal steaks from an Ottawa grocery store by hiding them under large packages of toilet paper. Then she'd sell them for half-price.

The thefts kicked off a cycle of incarceration, a revolving door that spun her in and out of jail every two weeks one summer.

"I got caught up in the system," says Buckshot, 30. The former Miss Algonquin Nation, who came ninth out of 32 contestants in the 2002 Miss Indian World competition, was last released from an Ottawa jail in September.

Her story is common among aboriginal women and men. While admissions of white adults to Ontario jails fell 20 per cent between 1992 and 2009, the number of aboriginal inmates continued to go up, even as crime rates went down.

Aboriginal people accounted for less than 2 per cent of Ontario's adult population in 2009, but more than 10 per cent of adults admitted to provincial jails. In federal penitentiaries, they are nearly 20 per cent of inmates.

Proportions are even more skewed when it comes to young offenders. Aboriginal girls account for one of every three jail admissions to a provincial facility for female youth, according to data obtained by University of Toronto doctoral candidate Akwasi Owusu-Bempah through a freedom-of-information request. That is 10 times higher than their proportion of the province's youth population.

Among male youth in jail, aboriginal boys make up 15 per cent. In the general Ontario population, they account for only 3 per cent of boys, which means they are overrepresented in jail by a factor of five.

In a [report released Tuesday](#), former Supreme Court justice Frank Iacobucci harshly criticized the judicial system for "systemic racism" and labeled the marginalization and jailing of aboriginals a "serious crisis."

There's no qualitative difference in the crimes aboriginals and non-aboriginals are put in jail for, among the most common being assault, break-and-enter, and theft and possession, according to a soon to be published report co-written by lawyer Jonathan Rudin. But aboriginal youth are treated more harshly.

In 2009-10, of young offenders convicted for assault, about 25 per cent of aboriginal youth were sent to jail, compared with less than 15 per cent of non-aboriginal youth. Similar discrepancies exist for theft and possession, and break-and-enter crimes.

For young offenders and adults alike, the reason they're in jail often isn't the original sentence, but rather their inability to comply with conditions placed on their release.

Buckshot landed in jail, time and again, for not following bail conditions that stipulated she couldn't possess drug paraphernalia or go downtown.

"They would make the rules, but they knew I was an addict," she says.

Even now, Buckshot still faces trouble with the law due to breaches because of a suicide attempt and a snowstorm that left her with no form of transportation to appear in court.

Jill "was a strong young woman in our community who taught youth hoop dancing, beading and sewing," her mother wrote in an email to the Star. She asked that her name not be used. "Family and friends have tried to help her, but her addiction is stronger than our love for her. So we wait aside until she is ready."

Manitoba, where upwards of 50 per cent of inmates are aboriginal, is one of the provinces building new jails.

In 2012, MP Carolyn Bennett toured the Women's Correctional Centre in Headingley, Man., which has an exercise room, elders' room and "beautiful chalets" where women in custody can keep their children until they're of school age.

"Everything seemed like progress, until I asked the superintendent what they're all here for," says Bennett, the Liberal critic for Aboriginal Affairs.

"And what she said was, practically none of them were initially sentenced to jail . . . Almost all of them had some sort of community sentence with conditions. And with one slip — say they go home for a funeral and associate with someone they're not supposed to — they end up incarcerated."

The situation in northern Ontario is similar. Alvin Fiddler, deputy grand chief of the Nishnawbe Aski Nation, was disturbed by his tour a few years ago of the Kenora district jail, while working with the Truth and Reconciliation Commission.

The adult facility had about 120 male and 30 to 40 female inmates, almost all aboriginal. Most had cycled in and out, serving an average sentence of two months. The superintendent knew them all by name.

Rudin, dressed in a sweater and jeans, feet encased in moccasins, is sitting in the Yonge St. office where he works as program director of Aboriginal Legal Services of Toronto.

His casual attire belies an impressive resumé that includes Osgoode Hall Law School, an advisory committee at the Ipperwash Inquiry, and arguing aboriginal rights cases at the Supreme Court.

Despite his experience, Rudin says he doesn't have definitive answers as to why aboriginals are so overrepresented in jail. One reason for harsher sentences may be that aboriginal youth rack up more prior offences. But that type of data isn't tracked.

What he knows, anecdotally, is that the system treats first offences by aboriginal offenders more harshly. And, since the penalties escalate, they're likely to be treated even more harshly when they reoffend.

Is it racism?

Not always, at least not overtly, he says. Judges may assume that the arrest of a middle-class kid is embarrassing enough in and of itself, and that belief may play a part in sentencing. Judges may hand out stricter punishments to kids from rougher parts of town because they think those kids won't experience equivalent shame.

Judges in remote areas of the province may assume there's no good diversion program available.

Then there are the contributing factors in native communities: poverty, drug abuse, the legacy of residential schools.

Although Ontario's last residential school closed more than 30 years ago, the impact of abuse and separation continues into the next generations. Students sent away to school as young as 6 were taught discipline instead of loving parenting.

"Residential school parents talk about the fact that they were never able to hug their children. They were never able to tell their children they loved them," says Rudin.

"And that has an impact."

The legacy of physical and sexual abuse is passed down to third and even fourth generations, who turn to alcohol and drugs to cope, he says. The effects snowball, and they go on to lose their children.

There are now more aboriginal kids in jail and foster care than there ever were in residential schools, says Rudin. Aboriginal children and youth make up 22 per cent of Ontario's Crown wards.

Most children taken away from their parents are never adopted. Anger issues on the part of the child and a zero tolerance policy in foster care can result in the police being called.

"You start racking up charges in the foster care system," says Rudin. "And you start moving from home to home to home."

Ontario has never tracked the relationship between foster care and jail. But a 1995 study of a Saskatchewan penitentiary, part of the Royal Commission Report on Aboriginal Peoples co-written by Rudin, found that 95 per cent of the aboriginal inmates had at some point been adopted or in foster care.

Advocates say there is a correlation between the underfunding and hardship endured by aboriginal families and the fact so many kids are in foster care.

This week, the Canadian Human Rights Tribunal launches a landmark case into allegations that the federal government is underfunding child and family services on reserves.

The case is "historic," says Cindy Blackstock, executive director of the Ottawa-based First Nations Child and Family Caring Society. "It's the only time that we know of in the developed world where a country has been brought before a legal body that can make enforceable orders regarding its current treatment of First Nations children."

For Viola Thomas, there's no question that one pathway to jail is poverty.

Thomas is community relations representative for the Truth and Reconciliation Commission investigation into residential schools. She was also part of a joint project last year with the Native Women's Association of Canada that canvassed 300 incarcerated women and girls — all survivors of the residential schools or children of survivors.

One of the most common charges was minor theft.

"They become criminalized because of breach of probation and then it escalates and then they go and serve their time. And there's no adequate supports for them," says Thomas. "It's then easy to become "systematically criminalized."

Many women told stories of sexual violence they endured because their relatives were survivors of residential schools.

Thomas points to the complexity of treatment needed, not only for the addictions resulting from sexual abuse, but for the trauma itself. The treatment isn't widely available in jail.

"If Canada and the provinces and territories wanted to get rid of some of the bottlenecks in the courts to deal with more serious crimes, then it seems to me that some of these less serious misdemeanours could be handled in a much more efficient way," she says.

And consider this: two-thirds of imprisoned aboriginal women are single mothers — a fact that the Native Women's Association says may be condemning "a new generation to the child welfare system."

This week, the judge who presides over aboriginal youth court in Toronto is trying something new.

Instead of looking down from the bench, Justice Marion Cohen is sitting at a table in the middle of the room. The petite judge is dressed in a black suit, forgoing her judicial robes. Sitting around her are the Crown, defence lawyer, councillors, parents and the accused.

"This is the way we're going to do it from now on," says Cohen, looking over her trendy red-rimmed glasses to address the group.

The specialized court, the first of its first kind for young offenders in Canada, opened six months ago. It sits one afternoon every two weeks in one of the youth courts at 311 Jarvis St.

Around the table are Helen Kavouras Lopes, who is the Legal Aid Ontario duty counsel lawyer, the Crown and aboriginal court worker Juliann Wemigwans. All three try to identify kids who qualify for diversion.

When the Crown agrees, charges are stayed and a volunteer council run by Aboriginal Legal Services of Toronto decides how the kid should make amends. Wemigwans also helps connect youth to community and counselling programs.

Diversion is an important tool, because once the charges are stayed it means the youth is no longer in the system — no longer out on bail — and that eliminates the risk of being tossed into jail for violating conditions such as a 6 p.m. curfew, attending school, staying away from friends, or carrying bail papers.

Those conditions may be onerous for a kid already in trouble with the law.

A study of youth in custody in Toronto and B.C. by the Canadian Institute for Health Information found that 31 per cent had conduct disorders, while as many as one in three had ADHD. Fetal Alcohol Spectrum Disorder also affects many aboriginal communities.

Once in the system, youths can "spiral" if they violate court orders, Kavouras Lopes says.

Kavouras Lopes says she asks every single kid she comes into contact with at the Jarvis St. youth courts if they're aboriginal, so that they can take advantage of the aboriginal court.



On this day, one young offender gets diversion. Another, a 15-year-old held in jail overnight for stealing coughdrops, gets released with the promise of counselling from a court worker with ALST. A third more serious offender, held because he violated his bail curfew, is released to children's aid workers and referred to CAMH for a psychiatric assessment.

The court is one of several aboriginal courts in the city that were created in the wake of a 1999 Supreme Court decision, *R. vs. Gladue*, that recognized the huge overrepresentation of aboriginals in Canadian jails. The court directed judges to consider the background and individual circumstances of aboriginal offenders and, where reasonable, to look for alternatives to jail.

Besides the youth court, there are now four part-time adult aboriginal courts in the city, although the principles of *Gladue* are supposed to be applied in all courtrooms. It's up to offenders to identify themselves as aboriginal.

Despite innovations like *Gladue*, the continuing flow of aboriginal offenders into the jail system can be discouraging.

Aboriginal youth account for less than 1 per cent of young offenders in Ontario who get diversion, says Rudin, even though the Youth Criminal Justice Act specifically addresses people in the justice system to look for alternatives to incarceration for them.

Justice Melvyn Green, one of a number of judges who preside in the adult *Gladue* court at Old City Hall, wrote in a 2012 paper published in *Criminal Reports* that *Gladue* reports — in-depth histories compiled by a caseworker and the offender — can reduce sentencing. But the time to write them, and a shortage of caseworkers, means such reports are written only when the Crown is seeking a six-month sentence or more. That applies to less than 1 per cent of cases, wrote Green.

Despite it all, Rudin remains optimistic.

"All of us here, we're not masochists," he says about his co-workers at ALST, which runs the *Gladue* program in Toronto. "We don't do this because we want to be depressed. And one of the reasons is because we see success."

*Gladue* courts now operate in Sarnia and London, and the province has also recently provided \$6.25 million in funding to hire 80 new aboriginal mental health and addiction workers. The government is also expanding telepsychiatry and telemedicine for remote communities.

"On a micro level, when you see initiatives like the *Gladue* court in Toronto, you see that they actually make a difference," says Rudin. "The issue is: When are they going to actually catch on more broadly, and when are things going to change?"

"But the fact that there are examples is very powerful, because otherwise people are going to say there's nothing we can do."

## Putting together a piece of history: Urban aboriginal project seeks to document past

[Winnipeg Free Press](#)

March 4, 2013

Carol Sanders



*Darrell Chippeway and Kathy Mallett research aboriginal history. (JOE BRYKSA / WINNIPEG FREE PRESS)*



*Winnipeg police Chief Devon Clunis in front of the aboriginal star blanket. (RUTH BONNEVILLE/WINNIPEG FREE PRESS ARCHIVES)*

Researchers are digging through basements and interviewing aboriginal activists and organizers to piece together a missing but vital part of Winnipeg's past.

"There really is no urban aboriginal history that's been put together," said Darrell Chippeway, an interviewer and researcher with the Urban Aboriginal History Project.

"There's little bits and pieces. I'm trying to gather those and stories from people involved."

The Manitoba Research Alliance, made up of the universities of Manitoba and Winnipeg, community groups and government, are supporting the project. It's sponsored by the Social Sciences and Humanities Research Council.

"Winnipeg was ground zero for a number of aboriginal organizations," said Chippeway. He's trying to gather their reports, records, meeting minutes, notes and photos from as far back as the 1960s -- before they end up in a dumpster. He's interviewing the people who were on the front lines back in the day and too busy to take notes.

"We didn't document things very well, we were so busy doing the work," said Kathy Mallett. More than 30 years ago, she was a working single mom and activist in her spare time as Winnipeg's urban aboriginal community took shape.

"A lot of the work we were doing was organic and we didn't have a lot of funds to do it," said Mallett, a member of the history project's advisory committee.

"We were responding to the issues of the day," she said, recalling one incident in 1983. "It was the death of a child in (Children's Aid Society) care at the time. Her mother was living in the Native Women's Transition Centre." An aboriginal coalition rented a bus to take demonstrators to the society's annual general meeting, Mallett said.

"We were demanding more of our people on their board of directors. We had to get their attention," said Mallett, who was the first executive director of the Original Women's Network.

"They knew we were coming -- there were police cars all around the hotel." The demonstration made national news, but behind the scenes, any meeting minutes or records from the aboriginal groups involved have been destroyed or forgotten until now.

"The stories aren't always pretty," said Chippeway.

After the Aboriginal Justice Inquiry issued its final report in 1991, police were mandated to take two-day cultural awareness training, said Mallett. "Some officers would turn their back to the instructor the whole two days."

Today, an aboriginal star blanket is the backdrop for Winnipeg police press conferences, said Mallett.

"You'd never see that in the '80s," she said.

A lot of the programs and services we see today came out of Winnipeg's Indian and Métis Friendship Centre, said Chippeway. Founded in 1958, it became a model for centres across Canada. It spawned the Main Street Project, aboriginal court translators and hospital cultural interpreters.

Women have been the driving force behind improving the lives of urban aboriginals in Winnipeg, Chippeway said he's learned.

"We were the ones raising the children and looking after the seniors. You've got to be responsible for your community," said Mallett, the co-director at the Community Education Development Association.

The history project is winding down in a few months but, it's not too late for information and photos to be submitted, said Chippeway, who can be reached at

204-988-7540. Materials remain the property of the owner but are under the stewardship of the University of Manitoba, where they'll be archived and accessible to the community.

Creating an archive of Winnipeg's urban aboriginal history was U of M economics Prof. John Loxley's idea.

"This reminds people of their enormous initiative, creativity and constructive proposals that are being made all the time." said Loxley. "Some really fine people have thought carefully about what they're doing and there will be a proper recording of history."

## **Feds to maintain money for First Nations police for next five years**

[CTV News](#)

Mar. 4, 2013 3:01PM CST



*The program supports police services in First Nations and Inuit communities across the country at a cost of about \$122 million a year.*

OTTAWA -- The Harper government says it will continue to pay for the First Nations Policing Program for the next five years.

The program supports police services in First

Nations and Inuit communities across the country at a cost of about \$122 million a year.

Public Safety Minister Vic Toews says the program this year covers 163 policing arrangements representing 1,250 trained police officers in about 400 communities serving about 338,000 people.

He says the government intends to provide stable, multi-year financing for the program, although he gave no cost details.

The program came into force in 1991 and is funded by the federal government, province or territory and the community.

Agreements under the program were set to expire March 31, leaving some native leaders worried that their police forces would fall into limbo.

Some chiefs said they've been trying for years to speak with Toews on the issue, without getting a response.

The minister agreed to meet them last week.

On Thursday, he announced the five-year extension:

"Our government will continue to support First Nations and Inuit policing as part of its ongoing commitment to keeping our streets and communities safe."

## **First Nations work bolsters Thunder Bay GIS company**

[Northern Ontario Business](#)

March 4, 2013

Ian Ross



Jordan Shannon (standing) of Northern GIS works with First Nation communities in land-use planning and mapping, and trains others in the use of this data collection technology.

Jordan Shannon doesn't have any Aboriginal bloodlines, but he still finds his Thunder Bay company carries a First Nations label.

But, that's okay. The 29-year-old founder and president of Northern GIS isn't complaining. His three-person data collection

outfit is making its mark in northwestern Ontario working with First Nation communities to gather, manage and store their traditional knowledge values, while also providing training and technical support services.

Working alongside Aboriginal people to preserve their culture and tradition is an experience that the Atikokan-raised Shannon has treasured since he was a teenager. "I fell in love with the culture and we've carved a niche in the market for ourselves. It's been fun and I enjoy helping these communities."

GIS (geographic information system) technology is modern-day cartography that can store and display geographically referenced data on a variety of multi-level platforms that allow for better planning, management and analysis of information.

"GIS is only limited to the user's imagination," said Shannon.

When it comes to mineral exploration near remote First Nation communities, land-use planning is integral in building a foundation of trust and mutual respect between industry and Aboriginal people. GIS can be a great technological tool to avoid conflict and misunderstanding. Government and industry want boundaries on overlapping Aboriginal territorial lands by drawing lines on maps that previously never existed.

"These communities need to have a plan to prove they have sacred areas, burial sites or they've been using the land (for hunting and fishing) so that mining companies can't come in and drill," said Shannon. "If they don't have that, then it really hurts their cause as far as negotiating with industry and government."

As a graduate of Algonquin College's GIS Technologist Program, Shannon began plying his trade working in various contract positions for the Rainy River First Nations, for mining companies like OZ Minerals, and then for a spell in northern Alberta, web-mapping civil infrastructure for a collection of amalgamated communities.

"I've been toying with idea of my own company since college but I never could take that leap of faith."

He finally established a home-based business in 2010 with colleague Brent Forsyth. They have since hired a third employee.

Shannon collected data for First Nation flood claims in the Rainy Lake and Lake of the Woods-area stemming from dam construction in the 1950s and 1970s.

There are plenty of horror stories of communities losing land, natural resources, and, in some cases residents being entirely displaced.

"We did a lot of elder interviews, sitting down with them and collecting their traditional knowledge in finding out burial sites, sacred areas, where it was flooded, and how it impacted the lives of the people."

But to make inroads into those communities, he had to bridge a digital divide.

Some elders don't always want certain historical information written down, much less stored as data. "It's an oral culture and when it's not passed down from the elders, it's knowledge being lost," said Shannon.

Today's Aboriginal youth don't have the patience to spend weeks on the land with an elder learning about their past. Shannon said it's been an educational process to show communities how the information will be used and who gets access to it.

"We've explained we'll do one map for the community, another for the Ministry of Natural Resources, and another for industry." The community's map is detailed with symbols of specific sites, but the copies given to the government and industry are more vague, containing only large red dots, indicating a buffer zone, rather than showing a pinpointed area.

"When we explain that this information is not only going to benefit them as far as flood claims and land-use planning, it takes it one step further as a teaching or history tool for youth. It's pretty amazing how supportive and open they become with information." With GIS software, the user can click on a map of a sacred area and up pops a video clip of an elder speaking about its cultural significance.

"It's pretty powerful, especially after the elders pass on, when you see the videos and see the reactions from people in the communities, and how thankful they are that this information is being collected and stored."

Eventually Shannon would like to see his clients use the data as a basis to draw up land settlements, mining impact benefit agreements, and for treaty negotiations.

"That's what we're trying to do. Having this information helps these First Nation communities take control of their land and go after flood claims, treaty land entitlement claims, and try to get financial compensation or some of their land back that they have lost."

'Building capacity' to create self-sufficient First Nation communities aren't just bureaucratic buzzwords to Shannon.

With limited government money for hiring consultants, the company assists their clients with GIS funding applications and also tries to train one or two locals in the technology.

"I tell every community that I just don't want to come in, do the work, take the money and run. I'd rather leave something, behind whether it's skills or creating a job for somebody in the community." The company is now looking to diversify its client base by approaching small municipalities that don't have the budget for GIS staff or are unfamiliar with its capabilities and may be open to training opportunities.

Shannon said they're also discussing potential data management work with a Thunder Bay charity and the district health unit to create a platform that can map disease outbreaks or teen pregnancy issues by neighbourhood to better focus community outreach services. As for working with mining companies, on top of his Aboriginal clients, Shannon said that can be a fine line to walk given the natural tension between the two camps.

"First Nations are my bread and butter, that's what I enjoy doing the most. It's been good to me and I try not to overstep my boundaries.

"But at the same time I would love to be that bridge. GIS can be a great tool. When the respect's there, the conflict seems to go away."

## **Why aboriginal people are underrepresented on juries**

[The Globe and Mail](#)

Mar. 04 2013, 7:30 PM EST



*Frank Iacobucci, former Supreme Court justice and Independent Reviewer, speaks on his report on First Nations Representation on Ontario juries. (Brent Linton/THE CANADIAN PRESS)*

The underrepresentation of natives on Canadian juries is an issue with many dimensions. It emerges clearly from a



report by Frank Iacobucci, a former justice of the Supreme Court of Canada, published \*on Tuesday, that the problem is the result not only of a lack of effort on the part of officials to obtain well-balanced juries but also of a reluctance by many aboriginals to take part in the court system, for which they feel a very understandable mistrust and alienation.

Mr. Iacobucci's review was commissioned by the attorney-general of Ontario, but essentially the same deficiencies and difficulties are found in other parts of Canada – as also in Australia and New Zealand – where aboriginals constitute a high proportion of the population.

The practice has often been to draw names for juror from municipal property-tax rolls, but residents of reserves are not municipal taxpayers in the first place. Moreover, reserves are often far away from the towns where the courthouses are.

Among the more insidious ways of excluding aboriginals from active participation is the ease with which lawyers – especially prosecutors, when the defendant is a native – can reject potential jurors by a “peremptory challenge,” that is, without any specific objection. Although the word “systemic” can be a slippery one, Mr. Iacobucci's conclusion that the justice system is systemically biased against natives is reasonable. The report does not offer quick solutions, but rather such measures as the persistent harvesting of names from a variety of government sources, including health-care cards and drivers' licences, as well as continuing committees and an assistant deputy attorney-general dedicated to the whole issue.

One of Mr. Iacobucci's more encouraging and interesting findings is that many natives would be quite willing to take part as jurors on coroner's inquests, though they may be reluctant to do so in criminal trials; they prefer to discover and understand causes of deaths and how to prevent them, rather than to draw conclusion that will lead to punishments.

Officials must be assiduous in making sure natives take an active part in juries, and natives should try to overcome their mistrust of the justice system.

## **NAN Angered by Federal Policing Announcement**

[Net Newsledger](#)

March 5, 2013



THUNDER BAY – (Updated) NAN is angered by the federal policing announcement. “The years of chronic underfunding of our policing service has put our communities in grave jeopardy and is worsened by the failure to legislate a regulatory framework for Nishnawbe-Aski Police Service (NAPS),” said NAN Deputy Grand Chief Alvin Fiddler, who holds the policing portfolio for NAN.

“NAN can no longer operate policing under the current terms and we are not willing to extend those terms



which are set to expire on March 31, as it falls short of the necessary safety services required in NAN First Nations."

#### Federal Policing Announcement Angers NAN

Nishnawbe Aski Nation (NAN) Deputy Grand Chief Alvin Fiddler says "The recent announcement made by Federal Public Minister Vic Toews to extend the status-quo for funding for the current design of First Nations Policing is building on failure".

Kenora MP Greg Rickford, the Parliamentary Assistant to the Minister of Aboriginal Affairs states, "This initiative has received wide support from First Nation Chiefs, including those from the great Kenora riding, who concur with National Chief Atleo, who said, 'security is of paramount importance to our people...so I think it's important', that this is a long-term signal, as the Minister of Public Safety had confirmed yesterday".

Rickford added, "Canadians know they can count on this government to give police the tools they need to do their job. This is true in all communities across Canada, including aboriginal communities.

"Our government has stood up for matrimonial real property rights on reserve, tougher sentences for dangerous criminals and funding to keep young people out of gangs," continued Rickford. "Shockingly, the NDP has opposed our government on each and every one of these initiatives. Actually, I am not that surprised".

On February 19, 2013, NAN issued a Public Safety Notice to the Chief Coroner for Ontario and several Federal ministers, including Minister Toews, declaring that the lives of those policed by NAPS are in 'grave danger' and stressing the need for a regulatory framework for NAPS. The federal and provincial governments have ignored this Public Safety Notice.

Today, NAN Deputy Grand Chief Fiddler wrote Minister Toews confirming NAN's position that a simple extension of the status-quo, as it relates to First Nations policing, is unacceptable and will not be endorsed by NAN as a signatory to the Tripartite agreement.

"NAN communities continue to be put at risk when it comes to safety which is blatantly apparent in the appalling conditions that exist including outdated radio systems, severe staffing shortages and many NAPS detachments which do not meet the National Building Code," said Fiddler. "The prospect of extending the status-quo is not an option for NAPS."

The Coroner's Inquest into the Deaths of Jamie Goodwin and Ricardo Wesley (the Kashechewan Inquest) in 2008, The Honourable Frank Iacobucci's report of First Nations representation on Ontario Juries, and the Ipperwash Inquiry recommendations all support notions of regulatory regimes and enhanced funding for First Nations policing.

## Hunger Strikers Demand Indian Act Chiefs of Nova Scotia Withdraw from Comprehensive Land Claim Table: Lives on the line as hunger strike enters sixth day

[Halifax Media Co-op](#)

March 6, 2013

Miles Howe



*Hunger strikers Young and Sock discuss with Chief Gloade and grassroots Mi'kmaq at Millbrook Porcupine Lodge. [Photo: Bryson Syliboy]*

MILLBROOK FIRST NATION, Mi'kma'ki (Nova Scotia) – Shelley Young, from Eskasoni First Nation, and Gene Sock, from Elsapogtog First Nation, have entered their sixth day of a water-only hunger strike that they vow will continue until the Indian Act chiefs of Nova Scotia step away from the

tabling of the 'Made In Nova Scotia' process.

The process involves negotiations between the Federal government, the provincial government of Nova Scotia, and the Kwilmu'k Maw-Klusuaqn Negotiating Office (KMKNO) – on behalf of the chiefs - that the strikers say are following a [nationwide template](#) meant to extinguish Aboriginal sovereignty and title across Canada.

The 'Made in Nova Scotia' process, along with the over 90 tabled negotiations currently taking place across the country, are at different stages in the negotiating process. All involve numerous legal steps and benchmarks. If the chiefs do not withdraw from the process, grassroots organizers note that a final agreement in Nova Scotia, to be known as the 'Mi'kmaq of Nova Scotia Accord', is expected to be signed April 1st.

"I'm doing this because our treaties are in jeopardy," said Young. "Basically our leaders are signed into this framework agreement, the 'Made In Nova Scotia' process, that will extinguish our treaty rights. They don't have full understanding of that because of what their lawyers told them. They're basically replacing our treaties with an agreement with the bands councils - no more nation to nation. They would not recognize nation to nation or international treaty law."

There are several causes for concern in relation to these Comprehensive Land Claims and self-government agreements, many of which are outlined in the [Shadow Report](#) in response to Canada's 19th and 20th periodic report to the United Nations Committee on the Elimination of Racial Discrimination.

Perhaps most importantly, say the strikers, despite promises of economic development and opportunities for self-government, the sovereignty of the Mi'kmaq

Nation – and others across Canada - would necessarily be signed away in the eyes of international law.

The potential of billions of dollars in trade agreements and resource development strategies would be freed from the necessity of involving Indigenous Nations in the process, as one-time financial payoffs in the form of 'modern treaties' would modify existing treaties into 'fee-simple' arrangements with respective provinces, who would then potentially have veto rights over First Nation involvement.

Chiefs and bands, through this lengthy and as yet poorly-productive process, have also in many cases horribly indebted themselves to their negotiating partners. In the case of Nova Scotia figures are not readily available, but grassroots organizers note that the chiefs have received stipends for attending negotiating meetings.

Critics worry that these stipends will have to be paid back in one manner or another – either off the top of any financial package included in the final 'Made in Nova Scotia' process, or, if in the case of withdrawing from the negotiations, from already massively indebted band offices. Estimates for this already-accrued debt-through-attending-meetings in Nova Scotia range from \$40-90 million. In British Columbia, where 20 years of similar negotiations have produced only 2 treaties, [a 2012 report](#) noted that First Nations are now over \$420 million in debt to the process.

Also of concern is the notion that the original treaties of peace and friendship signed between the Crown and the Mi'kmaw nation, treaties that never ceded title and whose validity is legally embedded in [Section 35](#) of the Constitution Act, have been already weakened through agreements such as the [Mi'kmaq Education Act](#). Funding may no longer be guaranteed, and instead could potentially be withheld or distributed, depending on band compliance with the Made in Nova Scotia process. Funding for other projects has also been placed under the [Tripartite Forum](#), whose budget could potentially be at risk in relation to band buy-in with the process. In Mi'kma'ki, which today spans the colonial territories known as Nova Scotia, Prince Edward Island, New Brunswick, the Gaspé, and much of Maine, there are currently five tables in various degrees of the negotiating process. Various bands in these regions could strike different deals at their respective tables, thus de-legitimizing the traditional sovereign strength of the Mi'kmaq Nation.

There are, however, signs that the immediacy of Young and Sock's hunger strike is having the desired effect. There are now daily protests outside of the KMKNO office in Millbrook, and yesterday Chief Rufus Copage and the six councillors for the Shubenacadie Band formally removed themselves from the process.

Chief Bob Gloade of Millbrook First Nation and Chief Leroy Denny of Eskasoni have also met for extended periods with Young and Sock. Earlier on Tuesday, Gloade noted that the issues afflicting the Mi'kmaw Nation are not related to existing treaties, but are directly related to having Canada and the province recognize their validity.

"Our treaties are sacred as they are. Our treaties are valid and our treaties don't need to be changed," said Chief Gloade. "We need to be able to protect them because we already know who we are as people and we already know what our rights are. And we have to start as people exerting our rights. The thing is we have to get the other parties involved to recognize them and acknowledge them and to accept them for what they actually are. They are treaties signed many years ago by our ancestors and that's what we want to be able to uphold. We want them maintained. We want them to stay in effect. We don't want them touched."

Shelley Young, for the moment remaining strong and in good health, agreed. "Our ancestors fought and died for these treaties, and for us to even contemplate sitting down and renegotiate them, and have them abolished? We can't let that happen."

When it comes to casinos, natives feel they've got game

[The Globe and Mail](#)

Mar. 06 2013, 10:55 PM EST

Wendy Stueck

Part of [The Big Gamble](#), a series examining British Columbia's complicated relationship with casinos.



*Blackjack dealer Rebecca Lehman at the St. Eugene Casino in Cranbrook, B.C., February 20, 2013. (John Lehmann/The Globe and Mail)*

Given the track record of recent casino proposals in British Columbia, it might seem the appetite for such projects has run its course.

Vancouver nixed an expanded casino in 2011. Surrey voted down a \$100-million casino complex in January. Despite those rebuffs, Joe Hall looks around the province and sees open arms.

That's because he's looking at the terrain from his viewpoint as chairman of the British Columbia First Nations Gaming Initiative, a group set up to push for a bigger native role in the provincial gambling sector. Having spent the past couple of years trying – and failing – to persuade the province to change its policies, the first-nations gambling committee said it's ready to act on its own, by setting up gambling operations on reserve land and risking potential consequences, including possible legal action by B.C. or Ottawa.

Unlike other provinces, including Manitoba and Alberta, B.C. has not developed policies to share gambling revenue with natives.

"The province and, to some degree, the federal government just don't seem to be interested in doing it the easy way," Mr. Hall said.

B.C. first-nation groups have been lobbying for a share of gambling revenue since at least 1993. Plans for a provincial First Nations Gaming Commission got under way in 2010. Mr. Hall expects the group to be formalized and commissioners named this year.

To date, the B.C. government has declined to change course, saying the gambling sector is already close to saturation. The only native-owned casino in B.C. is part of the St. Eugene Resort near Cranbrook.

"This is not a business where, if you build it they will come," said Rich Coleman, minister responsible for gambling. "Some people think that's the case but it really isn't; you have to have it sized to the marketplace."

First nations understand the concept of market saturation, Mr. Hall retorts. That's why they were angered by the proposed casino in Surrey – which, had it been approved, would have gone up near where the Semiahmoo First Nation was mulling a casino development of its own.

"It was on their [Semiahmoo Nation] traditional territory, they hadn't been consulted and it would have had a direct impact on them. And they had spoken about a casino years ago and really made no progress with the provincial government," Mr. Hall said.

The committee is looking at sites in areas including Vancouver Island and the Okanagan. As for capital, Mr. Hall said the group has that lined up as well, in the form of partners willing to invest.

In Canada, 15 native-owned casinos operate under various provincial regimes, ranging from Ontario's centralized model – natives share revenue from the Casino Rama operation near Orillia – to ones that feature several casinos, as in Saskatchewan.

There are pros and cons to every model but all – except B.C. – feature revenue-sharing, said Yale Belanger, an associate professor of native American studies at the University of Lethbridge who has written extensively on native gambling.

As to whether casinos have delivered the economic benefits first nations hoped for, results are mixed.

Management fees and debt-servicing costs take a big chunk of profits. So do provincial governments. Alberta, for example, takes a 30-per-cent cut of revenues generated by native casinos – a percentage that Dr. Belanger maintains should be reduced.

"Even though there are dollars now circulating in these [aboriginal] communities, there's a substantial portion that should be making it to those communities that isn't," Dr. Belanger said.

The location of B.C. first nations near or in sizable urban centres in the Lower Mainland, the Okanagan and elsewhere in the province would suggest there is potential for profitable native-owned casinos, he said. But the political terrain is less inviting.

"B.C. in terms of its lack of response is indicating that first nations don't fit into their gambling plans," Dr. Belanger said.

Mr. Hall, meanwhile, said his committee has been talking to counterparts in other provinces to learn from their experiences in finding operators, building facilities and setting up sound financial and management systems.

"We have the luxury of someone else walking through all those spiderwebs and maybe clearing a bit of a path for us."